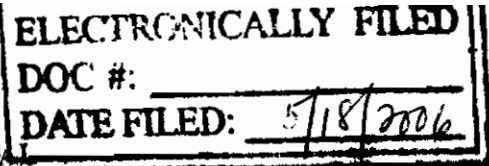


STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL



ELIOT SPITZER
Attorney General

(212-416-8627)

RICHARD RIFKIN
Deputy Attorney General
State Counsel Division

JAMES B. HENLY
Assistant Attorney General in Charge
Litigation Bureau

May 11, 2006

By FAX 212-805-7901
Honorable Harold Baer, Jr.
United States District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 100007

RE: Jeffrey Dicks v. Janet Chou, et al
03 CIV 7411 (HB)

Dear Judge Baer:

I write in response to your Honor's Order dated April 18, 2006 in regard to the above-referenced matter recently received by this Office.

Referenced below is a list of the defendants named by your Honor and the results, on information obtained from the U. S. Marshal's Service, of their attempts at service on the eight(8) named defendants in the above-referenced action.

The U.S. Marshal's Service was unable to effectuate service upon the following individuals for the reasons stated:

Janet Chow, Director of Binding Together, Inc (not a state agency). The Marshal's Service informs us that Ms. Chow resigned from the organization three years ago, was believed to have moved out of the area and her whereabouts are unknown.

Pursuant to the Division of Parole's Counsel, Terry Tracy, Parole Officer Mrs. Brewington has been out on extended leave and is not expected back anytime in the foreseeable future.

Honorable Harold Baer, Jr.

May 11, 2006

Page 2

Parole Officer Mr. Carrington is believed to have been employed with the Department of Correctional Services (DOCS), not the Division of Parole, and Corrections Counselor Carrington is now deceased.

Copies of the Summons and Complaint were left on the dates indicated with a Lt. Murray at Lincoln Correctional Facility for delivery to the following individuals :

Superintendent Joseph Williams 5/9/06
Corrections Officer Fair 5/9/06
Corrections Counselor Ms. Donna McDonald 5/9/06
Sr. Counselor Joan Taylor 5/4/06
Deputy Superintendent Maria Tirone 5/4/06.

The Office of the Attorney General is always pleased to be of assistance to the Court, but, as your Honor is aware, since none of the potential named defendants has previously been served and has not yet had an opportunity to even request representation, we are unable to make an appearance in this matter. Moreover, once service has been effectuated and representation requested pursuant to Public Officer's Law Section 17 a determination would need to be made regarding whether or not this Office will represent all, some or any of the defendants before we may appear.

We further note for your Honor's information that plaintiff is no longer incarcerated with DOCS and based on information from the U.S. Marshals is residing at the address listed below.

Should your Honor have any questions, or may we be of further assistance to the Court, please don't hesitate to contact the undersigned directly or Deputy Attorney General Richard Brewster.

communications regarding this matter solely to your Honor.

Respectfully yours,

Barbara Deuchuk - Bloddy

Barbara Demchuk Maddox (BD8710)
Special Litigation Counsel
For Law Enforcement
NYS Office of the Attorney General
120 Broadway, 24th Floor
New York, NY 10271

cc: Via First-Class Mail
Mr. Jeffrey Dicks
Pro Se Plaintiff
41-01 Vernon Boulevard, Apt. 4D
Long Island City, NY 11101

5 1/18/96 we have a FTC on 7/20
 let's have a proposed schedule
 worked out before we pass it
 it appears that no further action
 which we can have much serial
 on effective service on the
 need a meeting to determine
 should start today to determine
 whether there is any impediment to represent -
 action - See you on 7/20/06 Fortune
 to open my results to support a dismissal
 SORDER
 Wanda
 VSD

Endorsement:

We have a PTC on 7/20 lets have a proposed schedule worked out together if possible and it appears that no further Defendant are likely to be joined so unless by that time the Defendant can have further service or effectuate service on any others we will go with those and the AG should start TODAY to determine whether there is any Impediment to representation - See you on 7/20/06. Failure to appear may result in default or dismissal.